

COMMENT LETTER

RESPONSES

The Great Spirit created Man and Woman in his own image. In doing so, both were created as equals. Both depending on each other in order to survive. Great respect was shown for each other in doing so. Happiness and contentment was achieved then, as it should be now.

The connecting of the Habi makes them one person for happiness or contentment cannot be achieved without each other.

The Canyons are represented by the pueblos in the middle portion where the people were created. These canyons are Sacred, and should be so treated at all times.

The Reservation is pictured to represent the land that is ours, treat it well.



The Reservation is our heritage and the heritage of our children yet unborn. Be good to our land and it will continue to be good to us.

The Sun is the symbol of life, without it nothing is possible - plants don't grow - there will be no life - nothing. The Sun also represents the dawn of the Hualapai people. Through hard work, determination and education, everything is possible and we are assured brighter and happier days ahead.

The Tracks in the middle represent the coyote and other animals which were here before us.

The Green around the symbol are pine trees, representing our name Hualapai - PEOPLE OF THE TALL PINES.

**HUALAPAI NATION
OFFICE OF THE CHAIRWOMAN**

Louise Benson
Chairwoman

P.O. Box 179 • Peach Springs, Arizona 86434 • (520) 769-2216

Carrie Ingus
Vice Chairwoman

September 8, 2000

VIA FACSIMILE No. (702) 293-8042

**Regional Director
Lower Colorado Region
c/o Jayne Harkins
BC00-4600
Bureau of Reclamation
PO Box 61470
Boulder City, NV 89006-1470**

Re: Colorado River Interim Surplus Criteria Draft Environmental Impact Statement ("DEIS")

Dear Ms. Harkins:

On behalf of the Hualapai Tribe, I submit for the record the enclosed comments on the Colorado River Interim Surplus Criteria DEIS. As explained in the comments, the Hualapai Tribe has serious concerns about the impacts of the proposed criteria on the Tribe's ability to utilize its Colorado River water rights, on its economic development, and on its cultural resources.

Because the impacts of the proposed criteria on the Hualapai Tribe would be significant and because the Bureau of Reclamation ("Reclamation") and the Department of Interior ("DOI") have a trust duty that requires consultation with the Hualapai Tribe and protection of our water rights and other resources, we urge Reclamation and DOI to:

1. Immediately commence quantification of our Colorado River water rights and complete quantification early in the implementation of the interim surplus criteria and prior to the first five year review of the interim surplus criteria;
2. Revise the DEIS to include analysis of the impacts on the Hualapai Tribe's water rights;

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Regional Director
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3. Revise the DEIS to include analysis of the socioeconomic impacts on the Hualapai Tribe;
4. Comply with the National Historic Preservation Act § 106 process for taking into account the proposed action's impacts on cultural resources of concern to the Hualapai Tribe;
5. Protect the integrity of and access to Hualapai sacred sites on federal lands;
6. Mitigate significant Hualapai socioeconomic, environmental justice and cultural resource impacts;
7. Rewrite the DEIS in plain language;
8. Recirculate the DEIS for public comment after making the revisions requested above; and
9. Complete all of the foregoing through government-to-government consultation with the Hualapai Tribe.

Please share these comments with Deputy Secretary David Hayes, Debbie Saint, and other appropriate persons at BOR and DOI to ensure that we are promptly contacted to schedule an initial consultation meeting in September 2000.

Sincerely,



Louise Benson
Chairperson

cc (w/encl.): Deputy Secretary of Interior David Hayes
Debbie Saint, Bureau of Reclamation
Felicia Marcus, Regional Administrator, U.S. EPA Region 9
Clay Bravo, Director, Hualapai Department of Natural Resources
Annette Morgan, Program Manager, Hualapai Department of Natural

Resources

Monza Honga, Director, Hualapai Department of Cultural Resources
Cameron Daines, President, Grand Canyon Resort Corporation
Susan G. Jordan, Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP

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**COMMENTS OF THE HUALAPAI TRIBE ON THE COLORADO RIVER INTERIM
SURPLUS CRITERIA DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS")**

September 8, 2000

Introduction

The Hualapai Tribe has serious concerns about the impacts of the proposed interim surplus criteria on the Tribe's ability to utilize its water rights, on its economic development, and on its natural and cultural resources. The DEIS ignores these impacts, in violation of the trust duty, the requirement under the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321, *et seq.*, to consider the significant impacts of the proposed action, the cultural resources protection requirements of the National Historic Preservation Act ("NHPA"), 16 U.S.C. §§ 470, *et seq.*, and the requirements of various Executive Orders concerning Native American Tribes and environmental justice populations.

In proposing the interim surplus criteria, the Department of the Interior ("DOI")¹ has not only failed to consider these impacts but also has failed to meet its trust duty to protect the Hualapai Tribe's trust resources. As the DOI is well aware, the Hualapai Tribe has unadjudicated aboriginal and federal reserved water rights in the Colorado River. These water rights are Indian Trust Assets entitled to protection by the DOI. The Hualapai Tribe has repeatedly requested consultation with the DOI on the quantification and protection of our water rights, to no avail.

In the past year, we have joined the Navajo Nation and the Havasupai Tribe in requesting a joint meeting with the DOI regarding water right issues of mutual concern to the

¹ As stated in the DEIS, the Secretary of the Interior is "acting through the U.S. Bureau of Reclamation (Reclamation)" in proposing the interim surplus criteria. DEIS at 1-1. The National Park Service ("NPS"), which like Reclamation is within the DOI, is a cooperating agency for the DEIS. *Id.* at 1-4. All references to DOI in these comments include the DOI, Reclamation and NPS.